

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CIT BANK, N.A.

Plaintiff,

v.

ENRIQUE D. SANCHEZ, JR.; CAPITAL ONE
BANK USA, N.A.; MARLENA SANCHEZ;
ANTHONY SANCHEZ; DOROTHY SANCHEZ;
DANIELLE BRADLEY

Defendants.

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Case No. 14-cv-01057-GLS-ATB

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**STIPULATION WITHDRAWING
ANSWER AND COUNTERCLAIM
AND CONSENTING TO
FORECLOSURE**

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WHEREAS, plaintiff CIT Bank, N.A. (“Plaintiff”) commenced this action which concerns the property located at 104 Saltwell Road, Liverpool, New York 13090 (the “Property”) by the filing of a Complaint on August 26, 2014, superseded by the filing of an Amended Complaint on September 29, 2014; and

WHEREAS, on December 16, 2014, Defendants Enrique D. Sanchez, Jr. and Dorothy Sanchez (collectively, “Defendants”), through their attorney, filed “Defendants’ Answer to Plaintiff’s Amended Complaint,” dated December 16, 2014 (the “Answer”), containing affirmative defenses and a counterclaim;

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel for Plaintiff and the undersigned counsel for Defendants, all parties who have appeared in this action, that pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and 41(c), the Answer, including all defenses and counterclaims asserted in this matter, or which could have been asserted in this matter, by Defendants are dismissed with prejudice, without fees or costs to either party; and

IT IS FURTHER STIPULATED AND AGREED, that Defendants' Answer, and all counterclaims and defenses therein, shall be deemed withdrawn, and Defendants will not assert counterclaims or affirmative defenses in the above-captioned action for foreclosure; and

IT IS FURTHER STIPULATED AND AGREED, that Defendants consent to, and will not contest, judgment of foreclosure and sale in favor of Plaintiff, any report by the Court of the amount due and owing to Plaintiff, and the sale of the Property, and will take no action to impair or impede Plaintiff's ability and right to foreclose or take possession of the Property.

Dated: January 12, 2016

HOGAN LOVELLS US LLP

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*Attorneys for Plaintiff
CIT Bank, N.A.,
formerly known as OneWest Bank N.A.*

Dated: January 8, 2016

LEGAL SERVICES OF CENTRAL NEW
YORK, INC.

By: Reta E. Raymond
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*Attorneys for Defendants
Enrique D. Sanchez, Jr. and Dorothy Sanchez*

IT IS SO ORDERED:

Brenda K. Sannes
Brenda K. Sannes
U.S. District Judge

Dated: January 15, 2016
Syracuse, NY